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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK THOMPSON, FRANCIS AARON HENRY,
and DAVID A. OWEN

Appeal 2009-007616
Application 10/032,796
Technology Center 2400

Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD, JR.,
and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

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STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1-16. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' claimed invention is directed to auditing forms. Database 14 includes a record of current forms. This record may include identifiers that are also displayed on the forms. Such identifiers may be a string of alphanumeric characters, other symbols, or bar codes. A user of the forms may be requested to provide this identifier so an audit may be performed on the form being used. The identifier is transmitted to host computer 12 by terminals 16, or by a customer service computer 18. Host computer 12 compares the identifier with the record in database 14 to determine if the correct form is being used. *See Spec. ¶ [19].*

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method for auditing forms, the method comprising:
 - issuing a request to provide a form identifier that is associated with a form;
 - receiving the identifier at a host computer; and
 - verifying with the host computer whether the identifier is a valid identifier for the form being used.

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THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

| | | |
|----------|-----------------|---------------|
| Klingman | US 5,799,285 | Aug. 25, 1998 |
| Blando | US 6,185,583 B1 | Feb. 6, 2001 |

The following rejections are before us for review:

1. The Examiner rejected claims 1-3, 5, 6, and 11-16 under 35 U.S.C. § 102(e) as anticipated Blando.
2. The Examiner rejected claims 4 and 7-10 under 35 U.S.C. § 103(a) as unpatentable over Blando in view of Klingman.

ISSUE

The pivotal issue is whether Blando teaches the limitation of: “verifying with the host computer whether the identifier is a valid identifier for the form being used” as recited in claim 1.

FINDINGS OF FACT

The following findings of fact are supported by a preponderance of the evidence:

1. Blando teaches that the validation system can include more than one checker (i.e., module stored as set of instructions to process the form fields) where “*the incoming form includes an identifier* that identifies the appropriate checker to use *to evaluate that form*” (col. 3, ll. 28-36, 53-56 (emphases added)).

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2. Blando further teaches that “*different versions of the form may require using different checkers*” (col. 3, ll. 56-58 (emphasis added)).

ANALYSIS

Analysis with respect to the rejection of claims 1-3, 5, 6, and 11-16

Appellants argue that Blando’s process of verifying data in forms by using field identifiers, determining the type of an order, and determining whether the order contains all necessary forms, is different than determining whether *the current version is being used* by verifying whether a particular “*form identifier*” is a valid identifier for a particular form (App. Br. 6). We are not persuaded by Appellants’ argument.

Blando teaches that the validation system can include more than one checker (i.e., module stored as set of instructions to process the form fields) where “*the incoming form includes an identifier* that identifies the appropriate checker to use *to evaluate that form*” (FF 1). Blando further teaches that “*different versions of the form may require using different checkers*” (FF 2). Thus, Blando teaches that, depending on the particular form “identifier” associated with that form, the validation system will identify the correct version of the form and use the particular checker associated with that version to check the form fields. In other words, if the identifier is not valid, then the appropriate checker will not be identified, and the form fields will not be checked. This inability to check the form fields would indicate that the identifier is not a valid form identifier. Otherwise, if

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the form is checked, then the identifier is a valid identifier for that form version.

For the reasons articulated *supra*, we will affirm the Examiner's rejection of claim 1 and for similar reasons the rejections of claims 2, 3, 5, 6, and 11-16 because Appellants did not present any additional patentability arguments with respect to these claims.

Analysis with respect to the rejection of claims 4 and 7-10

For the same reasons as set forth above, we will also affirm the Examiner's rejections of claims 4 and 7-10 due to their dependency from claim 1 and because Appellants do not present any additional patentability arguments with respect to these claims.

CONCLUSION

Blando teaches the limitation of: "verifying with the host computer whether the identifier is a valid identifier for the form being used."

ORDER

The decision of the Examiner to reject claims 1-16 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED

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babc

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